

Falls Church, Virginia 22041

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File: D2005-188

Date: NOV 22 2005

In re: DAVID J. RODKIN, ATTORNEY

IN PRACTITIONER DISCIPLINARY PROCEEDINGS

FINAL ORDER OF DISCIPLINE

ON BEHALF OF GENERAL COUNSEL: Jennifer J. Barnes, Esquire

ON BEHALF OF DHS: Eileen M. Connolly, Appellate Counsel

ORDER:

PER CURIAM. On July 21, 2005, the respondent was suspended from the practice of law for a period of 6 months, by the New York Supreme Court, Appellate Division, First Judicial Department. The Court found that the respondent, who practices exclusively in the area of immigration law, "participated in and thereby helped to perpetuate an established system where 'travel agencies' advertising themselves as providers of legal services but staffed by nonlawyers served as the primary advisors to illegal Chinese aliens seeking political asylum." In so doing, the respondent violated numerous rules of professional conduct.

Consequently, on October 17, 2005, the Office of General Counsel for the Executive Office for Immigration Review petitioned for the respondent's immediate suspension from practice before the Board of Immigration Appeals and the Immigration Courts. On October 19, 2005, the Department of Homeland Security (the "DHS," formerly the Immigration and Naturalization Service) asked that the respondent be similarly suspended from practice before that agency. Therefore, on November 8, 2005, we suspended the respondent from practicing before the Board, the Immigration Courts, and the DHS pending final disposition of this proceeding.

The respondent filed an Answer to the Notice of Intent to Discipline on November 7, 2005. In his Answer, the respondent admits that he was suspended from the practice of law in New York as charged. The respondent does not request a hearing on the charges, and that opportunity is therefore waived. *See* 8 C.F.R. § 1003.105(c)(3). We therefore find it appropriate to issue a final order on the OGC's charges.

The Notice of Intent to Discipline recommends that the respondent be suspended from practicing before the Board and the Immigration Courts, for a period of 6 months. The DHS asks that we extend that discipline to practice before it as well. Since the recommendation is appropriate in light of the respondent's suspension from the practice of law in New York, we will honor that recommendation. Accordingly, we hereby suspend the respondent from practice before the Board, the Immigration Courts, and the DHS for a period of 6 months. As the respondent is currently under our November 8, 2005, order of suspension, we will deem the respondent's suspension to have commenced on that date. The respondent is instructed to maintain compliance with the directives set forth in our prior order. The respondent is also instructed to notify the Board of any further disciplinary action against him. The respondent may petition this Board for reinstatement to practice

before the Board, Immigration Courts, and DHS under 8 C.F.R. §§ 1003.107(a), (b). In order to be reinstated, the respondent must demonstrate that he meets the definition of an attorney or representative, as set forth in 8 C.F.R. § 1001.1(f) and (j). *Id.* Therefore, the respondent must show that he has been reinstated to practice law in New York before he may be reinstated by the Board. *See* 8 C.F.R. § 1001.1(f) (stating that term "attorney" does not include any individual under order suspending him from the practice of law).



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FOR THE BOARD